

United States District Court

Southern DISTRICT OF California

FILED
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CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: *[Signature]*

In the Matter of the Search of

(Name, address or brief description of person or property to
Delivery Confirmation parcel # 0307-1790-0001-6812-5211
addressed to Cindy Leach, 8202 17th Ave., Hyattsville, MD
20783. The parcel listed the return information of Holly
Marshall, 130 Laurel Ave. #1, National City, CA 91950.

APPLICATION AND AFFIDAVIT

FOR SEARCH WARRANT

CASE NUMBER:

'07 MJ2806

I, Ana L. Flores
I am a(n) U. S. Postal Inspector
Official Title

being duly sworn depose and say:

and have reason to believe

that on the premises known as (name, description and/or location)

Delivery Confirmation parcel # 0307-1790-0001-6812-5211 addressed to Cindy Leach, 8202 17th Ave., Hyattsville, MD
20783. The parcel listed the return information of Holly Marshall, 130 Laurel Ave. #1, National City, CA 91950 which is in
the custody of the

in the Southern

District of California

there is now concealed property, namely (describe the person or property)

Controlled substances, materials, and documents reflecting the distribution of controlled
substances through the United States Mail, including money paid for controlled substances,
in violation of Title 21, United States Code, Sections 841(a)(1), 843(b) and 846

which is (give alleged grounds for search and seizure under Rule 41(b) of the Federal Rules of Criminal Procedure)
evidence and contraband

in violation of Title 21

United States Code, Section(s) 841(a)(1), 843(b) and 846.

The facts to support the issuance of a Search Warrant are as follows:

See attached.

Continued on the attached sheet and made a part hereof.

☒ Yes ☐ No

Ana Flores
Signature of Affiant

Sworn to before me, and subscribed in my presence

12/4/2007
Date

at San Diego, CA
City and State

RUBEN B. BROOKS
U.S. MAGISTRATE JUDGE

U.S. Magistrate Judge
Name and Title of Judicial Officer

Ruben Brooks
Signature of Judicial Officer

AFFIDAVIT FOR SEARCH WARRANT

I, Ana Flores, being duly sworn hereby depose and state:

1. I am a United States Postal Inspector currently assigned to the San Diego Field Office of the Postal Inspection Service and my duties include investigating violations of the Drug Abuse Prevention and Control Act.
2. This affidavit is submitted in support of an application for a search warrant for the following Delivery Confirmation parcel # 0307-1790-0001-6812-5211 addressed to Cindy Leach, 8202 17th Ave., Hyattsville, MD 20783. The parcel listed the return information of Holly Marshall, 130 Laurel Ave. #1, National City, CA 91950.
3. I have been employed as a Postal Inspector since July 2003. From October 2003 through September 2005, I was assigned to the Internal Crimes / Mail Theft Investigations Team. Previous to that, I was employed with the United States Postal Service (USPS) for more than eight years. In July 2006, I received specialized training from the U.S. Postal Inspection Service which included instruction regarding individuals using the U.S. Mails to transport controlled substances and proceeds from the sale of controlled substances as well as the use of Postal Money Orders and other negotiable instruments to launder the proceeds of controlled substances transactions. In May 2007, I completed 80 hours narcotics investigations training by attending the Drug Enforcement Administration's Basic Narcotic Investigator School.
4. I have been involved in more than 100 investigations involving the shipment of illegal narcotics and controlled pharmaceuticals as well as drug proceeds through the US Mails. I have also investigated individuals who have used US Postal Money Orders, commercial money orders and other types of negotiable instruments to launder the proceeds of illegal narcotics and controlled pharmaceuticals. These investigations have resulted in the arrests of individuals involved in the illegal mailing of narcotics, the seizure of illegal narcotics, controlled pharmaceuticals and proceeds of illegal narcotics and controlled pharmaceuticals.

1 5. Based upon my training, experience and discussions with other Postal Inspectors and agents I
2 know the following in summary:

- 3 a. Individuals who regularly handle controlled substances leave the scent of controlled
4 substances on the currency and other items they handle. Proceeds from these sales are
5 often stored in close proximity to the controlled substances, thereby transferring the odor
6 of the controlled substance to the monies and packaging materials. Narcotic canines
7 are trained to alert on the scents of controlled substances.
- 8 b. The Postal Inspection Service and DEA Narcotic Task Force Commercial Interdiction
9 Team have worked aggressively to limit the use of shipping companies and the U.S. Mail
10 for the transportation of controlled substance through these companies.
- 11 c. Ongoing investigations have disclosed that Priority/overnight and "two day" parcel
12 deliveries have become a method of choice by drug dealers for the transportation of
13 contraband or the proceeds of narcotic sales.
- 14 d. I know that Southern California is a source region for controlled substances being mailed
15 throughout the United States. The proceeds from these narcotic transactions are then
16 transported via the U.S. Mails and other communication facilities back to Southern
17 California, the source of the controlled substances.
- 18 e. Drug dealers prefer the U.S. Mail, (but will sometimes utilize commercial shipping
19 companies), specifically "Express Mail" or "Priority Mail," for the narcotic or narcotic
20 proceeds transportation for various reasons, some of which are listed below:
- 21 1. Items sent via "Express Mail" or "Priority Mail" are considered to be first-class
22 mail, therefore, cannot be examined without a Federal Search Warrant.
- 23 2. "Express Mail" is usually requested to be delivered by the next day's mail.
- 24 3. "Priority Mail" is usually requested to be delivered within two days of mailing.
- 25 4. Dispatch times for "Express Mail" are specific and are controllable by the
26 mailer/shipper.
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- 1 5. Any delay to the mail is an indication to the mailer the mail items have been
- 2 possibly compromised by law enforcement agencies to obtain a search warrant.
- 3 6. While it is not always the case that a delay of "Express Mail" or "Priority Mail" is
- 4 for law enforcement purposes, those involved in illegal transactions have found
- 5 that the odds are against delays in deliveries of "Express Mail" or "Priority Mail"
- 6 by United States Postal Service.
- 7 7. "Express Mail" and Priority Mail" may weigh up to 70 pounds and is desired for
- 8 large volume shipments.
- 9 f. Businesses are more likely to use Express Mail and Priority Mail than First-class Mail
- 10 in the course of normal business and will often use an Express Mail Corporate
- 11 Account Number for the billing of the mailed articles.
- 12 g. Criminals who are involved in trafficking of controlled substances and drug proceeds
- 13 will often receive multiple Express Mail articles within a short time period of each
- 14 other.
- 15 h. Criminals who are involved in trafficking of controlled substances and drug proceeds
- 16 will often use multiple Post Office Boxes, Commercial Receiving Agencies and
- 17 addresses in foreign countries to conceal their true identities and place of residence.
- 18 i. I also know that drug orders containing currency, checks or money orders sometimes
- 19 do not contain the presence of controlled substances because persons involved in
- 20 shipping often utilize packing methods and sanitation procedures to conceal the odor
- 21 or controlled substances.
- 22 j. I also know from talking to U.S. Postal Service Supervisors and employees
- 23 responsible for handling the mail that Express Mail is insured for up to \$100 in case
- 24 of loss or damage. Insurance for Priority Mail may be purchased at an additional fee.
- 25 Customers are discouraged from sending U.S. currency via the U.S. Mails and are
- 26 encouraged to purchase negotiable instruments as a means to send currency by the
- 27 U.S. Postal Service.
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1 k. I also know through my training and experience that drug dealers will often use
2 legitimate names and addresses of persons other than their own, or occupants at the
3 residence, in order to receive controlled substances and/or proceeds/monetary
4 instruments at their residence under names other than their own and to avoid
5 suspicion.

6 6. The information in this affidavit is based upon information I have gained from my investigation,
7 my personal observations, my training and experience as well as information related to me by
8 other Postal Inspectors and law enforcement officers. Since this affidavit is being submitted for
9 the limited purpose of securing a search warrant, I have not included each and every fact known
10 to me concerning this investigation.

11 7. On December 3, 2007, during routine interdiction activities at the Midway Processing and
12 Distribution Facility (P&DF) located in San Diego, CA, I identified the subject parcel as
13 suspicious and retrieved it for further investigation. The parcel was suspicious, in part because
14 it was being returned to sender after a letter carrier in Hyattsville, MD had attempted to deliver it
15 to the address listed on the parcel. Hyattsville, MD Post Office employees were unable to
16 deliver the parcel because the addressee Cindy Leach was unknown at that address.

17 8. Additionally, a Postal employee at the National City, CA Post Office, which handles delivery of
18 the return address Zip Code listed on the parcel, was not able to return the parcel because the
19 return address of 130 Laurel Ave #1 did not exist in the city of National City, CA.

20 9. On December 3, 2007 I met with Probation Officer Michael Anderson and his trained narcotic
21 detection canine, Kilo, at the Midway P&DF located in San Diego, CA. Officer Anderson and Kilo
22 conducted an exterior inspection of the subject parcel. When Kilo examined the parcel
23 described above, Officer Anderson advised that Kilo had alerted to the presence of the odor of
24 controlled substances. I secured the subject parcel pending an application for a search warrant.
25 The qualifications of canine Kilo are contained in attachment A.

26 10. Based on the facts set forth in this affidavit, I submit that there is probable cause to believe
27 controlled substances, notes and/or currency from the illegal sale and mailing of controlled
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1 substances is being concealed in the subject parcel as described above and seek the issuance
2 of a search warrant directing the search of the article as described above and the seizure of the
3 article, any controlled substances, currency, and/or materials and documents reflecting the
4 distribution of controlled substances, all in violation of Title 21, United States Code, Sections
5 841(a)(1), 843(b), and 846.

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7 Ana Flores
8 Postal Inspector

9 Sworn to before me, and subscribed in my presence, on this

10 4th Day of December, 2007.

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12 U. S. Magistrate Judge
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ATTACHMENT A
For
Michael J. Anderson and K-9 Kilo

Michael Anderson has been a Probation Officer for the San Diego County Probation Department for the past 17 years and is currently assigned to the East County Gang Task Force. Officer Anderson is also the Probation Department's Narcotic K-9 handler. In addition, Officer Anderson assists the Jurisdictions Unified for Drug and Gang Enforcement (J.U.D.G.E.), San Diego Integrated Narcotics Task Force (NTF), Field Action Specialty Team (FAST), and local Post Offices as well as the San Diego Police Department in searches for narcotics. Officer Anderson is a member of the California Narcotics Officers Association as well as the California Narcotic Canine Association.

On July 2003, he was assigned the responsibility of training and working with the San Diego Probation Department's narcotic K-9, Kilo, ID#K1. Between July and August 2003, San Diego Police Officer Steve Sloan trained Kilo and Officer Anderson in the area of narcotics. Officer Anderson and Kilo have been involved in training exercises where known controlled substances, containers, or paraphernalia were hidden. Kilo's alert consists of physical and mental reactions, which include a heightened emotional state and coming to a complete "sit" when his physical position allows.

On August 16, 2003 after 40 hours of training in the detection of marijuana, heroin, methamphetamine and cocaine, California Narcotics Canine Association certifying official Tom Iverson certified Kilo as 100% proficient in the detection of the same.

On November 14, 2003, Kilo was re-certified by California Narcotics Canine certifying official Tom Moore.

On 5/03/2005, Kilo was re-certified by California Narcotics Canine certifying official Mary Bohnnett.

On 3/31/06, Kilo was re-certified by California Narcotics Canine certifying official Joe Priebe.

On 12/1/06, Kilo was re-certified by California Narcotics Canine certifying official Joe Priebe.

Prior to Officer Anderson and Kilo becoming certified as a team, Kilo received 100 hours of training in the detection of marijuana, heroin, methamphetamine and cocaine by California Narcotics Canine Association certifying official Mary Bohnnett. To date, Kilo has completed a total of 475 hours of training.